THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :20396 OF 2007

DATED:27-09-2007

BETWEEN:

Chattu Krishna Rao.

..... PETITIONER

AND

The Tahsildar,
G.Konduru,
G.Konduru mandal,
Krishna District & another.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the proceedings of the 1st respondent in Rc.A/332/06, dated 12-07-2007, as illegal, arbitrary, and consequently direct the respondents to act in accordance with law.

3. It is stated that the petitioner purchased an extent of Ac.2.37 cents in Sy.No.517D of Velagaleru village, G.Konduru mandal, Krishna District vide two different sale deeds. While so, without serving any notice under the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for brevity, 'the Act') and the rules made thereunder, 1st respondent-Tahsildar, G.Konduru mandal passed an order, dated 12-07-2007, in Rc.A/332/06 stating that the said land is assigned in favour of one Dhenukula Sambasivarao but the said assignee sold the said property in contravention of Section 3(1) and 3(2) of the Act and notice giving fifteen days time was also issued but no explanation has been filed and cancellation orders have been passed resuming the said land under Section 4(1) of the Act.

4. Admittedly, as against the said order appeal lies to the Revenue Divisional Officer under Section 4-A(1) of the Act within

ninety days from the date of receipt of a copy of this order. It is stated that the order has been passed on
12-07-2007 and even if it is said to have been served on the next day three months period will expire by 12-10-2007.

5. Having regard to the facts and circumstances of the case, petitioner is permitted to file an appeal against the said order of the 1st respondent in Rc.A/332/06, dated
12-07-2007, before the concerned Revenue Divisional Officer within ten days from today and if such appeal is filed before the concerned Revenue Divisional Officer, *status quo* obtaining as on today with regard to possession of the said lands in question shall be maintained pending disposal of the appeal.

6. Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

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V.ESWARAIAH,J

27th September, 2007.

Note:

Furnish C.C. of the order
within three days.

B/o

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